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**From:** Goodin, John [Goodin.John@epa.gov]  
**Sent:** 2/15/2018 3:38:15 PM  
**To:** Ross, David P [ross.davidp@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]  
**CC:** Forsgren, Lee [Forsgren.Lee@epa.gov]  
**Subject:** RE: Florida 404 Assumption - FLA's ask - jurisdictional waters  
**Attachments:** FL 404 AO Issue Paper.pdf

Here is the one-pager – OGC, OW, and R4 all reviewed.

Just learned from Mary that the other document may be what Florida sent EPA yesterday...will forward when I receive from her.

John

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**From:** Ross, David P  
**Sent:** Thursday, February 15, 2018 10:16 AM  
**To:** Campbell, Ann <Campbell.Ann@epa.gov>; Goodin, John <Goodin.John@epa.gov>  
**Cc:** Forsgren, Lee <Forsgren.Lee@epa.gov>  
**Subject:** FW: Florida 404 Assumption - FLA's ask - jurisdictional waters

Do we have a copy of the paper mentioned below? And please give me an updated ETA on the focused one-pager. Thanks.

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**From:** Ross, David P  
**Sent:** Thursday, February 15, 2018 10:15 AM  
**To:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Glenn, Trey <Glenn.Trey@epa.gov>  
**Cc:** Ford, Hayley <ford.hayley@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>  
**Subject:** RE: Florida 404 Assumption - FLA's ask - jurisdictional waters

Hi Lincoln,

We are trying to hotline a focused one-pager on the FL issue to prepare the Administrator for a potential call with the Army. My team owes me a copy of that in the next hour or so.

I will also see if I can track down a copy of the paper mentioned below, as it may be in some background material that was prepared for me.

Regards,

Dave

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**From:** Ferguson, Lincoln  
**Sent:** Thursday, February 15, 2018 9:07 AM  
**To:** Glenn, Trey <Glenn.Trey@epa.gov>  
**Cc:** Ford, Hayley <ford.hayley@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>  
**Subject:** RE: Florida 404 Assumption - FLA's ask - jurisdictional waters

Thanks Trey. Can you also pass memo referred to in the email below? Would like to provide that to the Admin if it is helpful.

Thanks,

Lincoln

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**From:** Glenn, Trey  
**Sent:** Tuesday, February 13, 2018 9:57 AM  
**To:** Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>  
**Cc:** Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Ross, David P <[ross.davidp@epa.gov](mailto:ross.davidp@epa.gov)>; Leopold, Matt <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>  
**Subject:** Florida 404 Assumption - FLA's ask - jurisdictional waters

Lincoln,

Per your request, the following is the information obtained from Florida regarding the assumable waters. I think one of the biggest issues is the Corps is now saying that they can't make this decision in a timeframe that is acceptable to Florida.

Let me know if we all need to get on the phone to discuss.

Thanks, Trey

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**From:** Walker, Mary  
**Sent:** Tuesday, February 13, 2018 9:09 AM  
**To:** Glenn, Trey <[Glenn.Trey@epa.gov](mailto:Glenn.Trey@epa.gov)>  
**Cc:** Jenkins, Brandi <[Jenkins.Brandi@epa.gov](mailto:Jenkins.Brandi@epa.gov)>  
**Subject:** RE: FLA's ask - jurisdictional waters

Let me clarify – the corps would RETAIN the navigable in fact waters plus the 300 ft administrative buffer. All others would be assumable.

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**From:** Walker, Mary  
**Sent:** Tuesday, February 13, 2018 8:52 AM  
**To:** Glenn, Trey <[Glenn.Trey@epa.gov](mailto:Glenn.Trey@epa.gov)>  
**Cc:** Brandi Jenkins (<[Jenkins.Brandi@epa.gov](mailto:Jenkins.Brandi@epa.gov)> <[Jenkins.Brandi@epa.gov](mailto:Jenkins.Brandi@epa.gov)>  
**Subject:** FLA's ask - jurisdictional waters

Trey,

Florida's ask is for:

1. Timely delineation of assumable waters – ie, in time for a complete assumption package by 8/1.
2. The Corps to delineate assumable waters consistent with the majority recommendation in the NACEPT subcommittee report:
  - i. Consistent with 404(g)1 of CWA - Those waters which are navigable in fact, to include those subject to the ebb and flow of tide.
  - ii. Plus the 300 foot administrative buffer along these waters as per the NACEPT report.

FDEP prepared a proposed map in October, taking the Corps' original water bodies list. The Corps has subsequently significantly expanded the water bodies being reviewed.

The Corps is currently saying they will need 5700 man hours to review old records to see if the waters had ever been used in the past for navigation. This is an expansion beyond "navigable in fact."

John will send up a memo he prepared on this later in the morning, and I will forward (or excerpt) if it is assistive.

Mary

Mary S. Walker  
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US Environmental Protection Agency, Region 4  
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